

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION**

FREDDIE CAGLE,

Plaintiff,

v.

NATIONAL INDEMNITY  
COMPANY OF THE SOUTH and  
OLD REPUBLIC INSURANCE  
COMPANY,

Defendants.

CIVIL ACTION FILE NO.:  
2:23-cv-140-RWS

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**PLAINTIFF’S SUPPLEMENT TO PLAINTIFF’S RESPONSE TO  
DEFENDANT OLD REPUBLIC INSURANCE COMPANY’S MOTION TO  
DISMISS**

Plaintiff recently submitted his Response to Defendant Old Republic Insurance Company’s Motion to Dismiss [Dkt. 13]. Within his Response, Plaintiff emphasized, as alleged in Plaintiff’s Complaint [Dkt. 1] ¶¶ 38–39, that the FMCSA Safety and Fitness Electronic Records (SAFER) website shows that Old Republic Insurance Company (“Old Republic”) served as an insurer/surety of One Way Hauling Express Company (“One Way Hauling”) for the date of the crash related to Plaintiff’s underlying judgment.

Simultaneously with the filing of Plaintiff’s Response [Dkt. 13], codefendant National Indemnity Company of the South (“National Indemnity”) filed its Answer

and Affirmative Defenses to Plaintiff's Complaint [Dkt. 11]. Notably, National Indemnity's defenses also allege that Old Republic made a financial responsibility filing, as evidenced by "Exhibit A" [Dkt. 11-1], attached to its Answer, and that Old Republic provided financial responsibility for One Way Hauling on the date of the crash. Additionally, National Indemnity's Answer [Dkt. 11] admits certain key paragraphs (§§ 38–42, 57, 62) of Plaintiff's Complaint where Plaintiff makes substantive allegations concerning the relationship between Old Republic and One Way Hauling, as well as Old Republic's liability to Plaintiff for the underlying judgment. Finally, the "wherefore" paragraph of National Indemnity's Answer [Dkt. 11] includes a request for "a declaratory judgment that Old Republic is responsible to pay the judgment pursuant to the filings it made for One Way Hauling."

In light of these developments, Plaintiff supplements its Response to Old Republic's Motion to Dismiss [Dkt. 13] and directs the Court's attention to National Indemnity's Answer [Dkt. 11], along with its supporting "Exhibit A" [Dkt. 11-1] from the Federal Motor Carrier Safety Administration.

Plaintiff respectfully requests this Court deny Old Republic's Motion to Dismiss [Dkt. 8] and permit the parties to proceed with further discovery concerning defendants Old Republic and National Indemnity's relationships with One Way

Hauling, as well as any filings and representations either defendant made to the FMCSA.

Respectfully submitted this 6th day of September, 2023.

**/s/ Mark Alexander**

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Plaintiff's Supplement to Plaintiff's Response to Defendant Old Republic Insurance Company's Motion to Dismiss** was filed electronically with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to the attorneys of record for all parties. I further certify that the foregoing was prepared in Times New Roman 14pt font and otherwise complies with Local Rule 5.1.

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Respectfully submitted this 6th day of September, 2023.

**/s/ Mark Alexander**

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